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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
DIVISION OF ANIMAL AND PLANT HEALTH
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AMANDA E. BEAL
COMMISSIONER

To: Maine Hemp Growers
From: DACF Hemp Licensing Program (hemp@maine.gov; 207.441.1643; 207.287.7545)
Date: May 12, 2022
Re: Hemp Licensing Instructions and Application Forms

Maine now has a USDA-approved hemp licensing program. The state plan can be found on the [USDA hemp website](#). Growers licensed through a USDA-approved program can market their hemp nationwide and are eligible to apply for USDA loans, grants, and organic certification.

The USDA-approved program does mean some changes to how we have been operating. Here are the major ones:

1. **Criminal background check.** A person with a state or federal felony conviction relating to a controlled substance may not grow hemp for 10 years from the date of the conviction. [An exemption applies to a person who has lawfully been producing hemp under section 7606 of Farm Bill 2014 before December 20, 2018, and whose conviction also occurred before that date.]

The person applying for the license must obtain and submit to DACF a criminal history report from the [Federal Bureau of Investigation](#) (FBI). Certain businesses may need to have additional "key participants" submit a background check; we will handle this on a case-by-case basis. The report must go back 10 years, be dated within 60 days of licensing, and it must include criminal history from the states as well as the federal level. Please contact us if you have questions about what we can accept for this report.

As soon as you receive the report send it to DACF. We cannot issue a license without it.

2. **THC Measurement for Defining Hemp.** Maine will be using the federal definition for hemp as follows: Total THC concentration is equal to or less than 0.3% on a dry weight basis, as reported by an ISO 17025 Accredited laboratory.

Because DACF was operating under the 2014 Farm Bill when it began licensing in 2015, we have been looking only at delta-9-THC (pre-decarboxylated content) in hemp samples. Now that Farm Bill 2018 is in full effect, we are no longer allowed to do this.

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We must now use Total THC. We know that some hemp varieties can exceed 0.3% Total THC, so we advise growers to choose varieties wisely and to monitor THC to determine when to harvest. A hemp lot that exceeds the legal THC limit will have to be destroyed if it cannot be remediated. Please contact us if you have questions about what the different types of THC mean.

3. **Location Information Disclosure.** Grower location information, which has been confidential, must be reported to USDA by DACF. We have a new waiver form that permits DACF to do this. It must be signed by the applicant.
4. **Registering hemp growsites and lots with Farm Service Agency (FSA).** FSA is the USDA agency that issues the lot numbers you will use to track your hemp from production to harvest. All licensed hemp producers are required to set up a Farm Profile with FSA and report their hemp. Because we need you to include your FSA-assigned codes on the Planting Report that you send to DACF within 2 weeks of planning, please take care of the FSA reporting as soon as possible after planting. A list of FSA offices by county can be found [here](#).

Explanation of Fees

Maine law requires that the Department cover the costs of operating the hemp program by charging an application fee, license fee and a per acre fee. These fees are as follows:

- \$100 application fee – this fee must be submitted with the application.
- \$500 license fee – this fee is due after approval of the application and must be submitted with the signed license agreement.
- \$50/acre fee** – this fee is due after approval of the application and must be submitted with the signed license agreement. [Indoor growers must pay \$0.25 per square foot.]

**Please be aware that the number of acres (or square feet) you have requested to grow on cannot be changed once the license is finalized.

Non-contiguous growing areas or facilities separated by more than 50 miles require a separate license application and fees. Please note that license and application fees charged must cover all program costs. This includes travel cost for all inspections, all necessary analysis fees, and salaries for all hemp program personnel.

Seeds, Seedlings and Clones

Documentation showing that the varieties or cultivars of seeds, seedlings and clones you planted meets the definition of hemp (0.3% or less Total THC content) must be submitted within 14 days after planting. It is therefore important that you obtain documents from your

supplier or breeder that includes the THC test results for the mature parent material that gave rise to the seeds or clones that you planted.

Deadlines and Duration of License

We no longer have an application deadline. However, you should apply no later than 30 days **before** you intend to plant. Hemp licenses expire 365 days after their date of issuance and **do not** automatically renew. It can take up to 30 days to generate a license agreement once a license is accepted. To avoid delays in the review of your application, double check your forms and make sure all additional documents like maps are attached. Keep a copy of your application for your records. If you grow hemp again next year, you must complete a new license application.

Steps for Applying for a 2022 Hemp License

- Read these application instructions and the forms carefully. Contact the hemp program if you have any questions.
- Start the process for a criminal background check. It takes time to complete, and we cannot issue a license without this report.
- Download and fill out the [application form \(PDF\)](#). [If you are growing indoors, contact the office for an Indoor License Application Form.] Make sure to sign the application.
- If you are leasing land, the landowner must give permission with the [landowner affidavit form \(PDF\)](#).
- Sign and date the [disclosure consent form \(PDF\)](#) for grower address/growsite location.
- Mail this paperwork to DACF with the \$100 non-refundable application fee. The criminal background check can be sent to us separately.
- DACF will contact you about your application by email soon after it is received. If you do not hear from us after 10 days, please email hemp@maine.gov or call (207) 441-1643.
- When we approve your license application, we will send you a Draft Hemp License Agreement. You must initial and sign this agreement and return it to DACF with your license and acreage fees. Only then is licensing is complete, and we will send you a signed Final License Agreement. You can now plant your hemp, submit your planting report information, and report your lots to USDA FSA.
- Inspections may take place after planting. Keep the hemp program informed about when you plan harvest. DACF staff must sample your hemp lots and test them for THC content. You have 30 days after we sample your hemp lot(s) to complete the harvest of those lot(s).

Mail Your Application Materials to the DACF Hemp Licensing Program

While you can submit your application by email, you must pay your application fee with a check or money order, so we recommend mailing the complete package to the following address:

**Hemp Licensing Program
Maine DACF-Horticulture Program
28 State House Station
Augusta, ME 04333-0028**

If you do not hear from us about your application within 10 days, do not delay in contacting the hemp licensing office to make sure we have received your application. You must have a final license agreement before you plant your hemp crop. Call 207-441-1643 or email mary.yurlina@maine.gov.

Please keep in mind when completing the application that a Hemp License is non-transferrable, and the application fee is not refundable. The Hemp License covers the growing of hemp through harvest. We do not license processing activities or processed products.

For additional information about our hemp licensing program, please review the materials on the hemp web page (<https://www.maine.gov/dacf/php/hemp/>) and sign up to receive updates on Maine's electronic delivery system.